



Michigan Department of Environmental Quality  
Office of Waste Management and Radiological Protection

## SOLID WASTE DISPOSAL AREA OPERATING LICENSE

This license is issued under the provisions of Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.11501 et seq., and authorizes the operation of this solid waste disposal area (Facility) in the state of Michigan. This license does not obviate the need to obtain other authorizations as may be required by state law.

FACILITY NAME: Ever-Green Landfill and Recycling Center, LLC

LICENSEE/OPERATOR: Ever-Green Landfill and Recycling Center, LLC

FACILITY OWNER: Ever-Green Landfill and Recycling Center, LLC

PROPERTY OWNER: Ever-Green Landfill and Recycling Center, LLC

FACILITY TYPE(S): Type III Low Hazard Industrial Landfill

FACILITY ID NUMBER: 478636

COUNTY: Ontonagon

LICENSE NUMBER: 9352

ISSUE DATE: April 3, 2013

EXPIRATION DATE: April 3, 2018

FACILITY DESCRIPTION: The Ever-Green Landfill and Recycling Center, LLC, a Type III low hazard industrial landfill, consists of 260 acres located in the W 1/2, Section 24, the W 1/2 of the NE 1/4 of Section 24 and the NW 1/4 of the SE 1/4 of Section 24, Township 51 North, Range 39 West, Ontonagon Township, Ontonagon County, Michigan, as identified in Attachment A and fully described in this license.

AREA AUTHORIZED FOR DISPOSAL OF SOLID WASTE: Area K (Cell 516), L (Cells 557-559 and 569-581), P, Q (Except Cells 560 and 561), R, S, T, U and V with Special Conditions listed in Item 20 of this license.

RESPONSIBLE PARTY: Mr. Pat Tucker  
Ever-Green Landfill and Recycling Center, LLC  
34495 U.S. Highway 45  
Ontonagon, Michigan 49953  
906-884-6155

**FIRST OPERATING LICENSE:** This License Number 9352 is the first operating license issued for this Facility to this licensee.

This license is subject to revocation by the Director of the Michigan Department of Environmental Quality, if the Director finds that this Facility is not being constructed or operated in accordance with the approved plans, the conditions of a permit or license, Part 115, or the rules promulgated under Part 115. Failure to comply with the terms and provisions of this license may result in legal action leading to civil and/or criminal penalties pursuant to Part 115. This license shall be available through the licensee during its term and remains the property of the Director.

**THIS LICENSE IS NOT TRANSFERABLE.**

Steven R. Sliver, Chief, Solid Waste Section  
Office of Waste Management and Radiological Protection

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The licensee shall comply with all terms of this license and the provisions of Part 115 and the administrative rules implementing Part 115 (Part 115 Rules). This license includes the license application and any attachments to this license.

1. The licensee shall operate the Facility in a manner that will prevent violations of any state or federal law.
2. The following portions of the Facility are authorized to receive solid waste by this license:

**ACTIVE PORTIONS NOT AT FINAL GRADE:** The area(s) identified as Area K (Cell 516), Areas L (Cells 557-559 and 569-581), P, Q (Except Cells 560 and 561), R, S, T, U, and V were authorized to receive waste by the previous license. This area's total acreage is 84 acres.

3. The following portions of the Facility **WILL BE** authorized to receive solid waste by this license following approval by the Michigan Department of Environmental Quality (MDEQ) of construction certification: N/A.
4. The following portions of the Facility are **NOT** authorized to receive solid waste by this license:

**CLOSED UNIT(S) OR A PORTION OF A UNIT WHERE THE FINAL COVER HAS BEEN CERTIFIED CLOSED AND ACCEPTED BY THE MDEQ:** The following unit(s) and/or portion(s) are closed:

- i. **PRE-EXISTING UNIT(S):** The unit(s) identified as Areas - A, B, C, D (Except Cells 127-131), E (Except 134-138), F (Except Cells 40B, 42B, 164, 174, 176, 178-181, 187-191, 194-196, and 200), G (Except Cells 204, 211, 213-223, 227-232, and 239-247), and H (Except Cells 224-226, 248, 249, 252, 253, and 260-263) closed prior to October 9, 1993, and had final closure certified on October 13, 1994. This certification was reviewed and approved by the MDEQ on November 1, 1994. This area's total acreage is 71.5 acres.
- ii. **EXISTING UNIT(S):** The unit(s) identified as closed in the following table had final closure certified on the dates shown in the table. This certification was reviewed and approved by the MDEQ on the dates shown in the table. This area's total acreage is 104.5 acres.

Units	Date Closed	Date Closure Certification approved by DEQ
Area D cells 127-131 Area E cells 134-138 Area F cells 40B, 42B, 164, 174, 176, 178-181, 187-191, 194-196, & 200 Area G cells 204, 211, 213-223, 227-232, 239-247 Area H cells 224-226, 248, 249, 252, 253, 260-263	October 1994	November 1, 1994
Area G cells 205-210, 212, 236 Area H cells 253-259, 261, 264-268, 272-277	August 1995	September 1, 1995
Area E cells 137, 138 Area F cell 44A, Area G cells 235, 237, 238, 238A, Area H cells 83F, 269-271A, 278-280B Area I cells 281-285, 289-291 Area J cells 339-342, 349, 350	August 1996	October 4, 1996
Area I cells 286-288, 302-314, 316-319 Area J cells 292-301, 332-338	August 1997	September 11, 1997
Area I cells 320, 320A, 329, 330 Area J cells 331, 343-348, 352-354, 357-359, 362-364, 366, 381 Area O cells 392, 401, 410, 411	September 1998	September 18, 1998
Area O cells 383, 384, 390, 393, 394, 398-400, 406-409	August 1999	March 8, 2000

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Units	Date Closed	Date Closure Certification approved by DEQ
Area D/I cells 322-328 Area E cell 368 Area E/J cell 380 Area J cell 360, 379A, 382 Area J/O cells 355, 356, 361, 385, 386 Area O cells 387-389, 393A, 395-397, 402-405 Area O/N cells 441, 442 Area N cells 431, 433, 435, 437, 445-450	August 2003	May 14, 2004
Area D/I cells 321 Area E cell 376 Area O cells 417-419 Area N cells 430, 432, 434, 436 Area K cells 459, 474, 475	January 2005	February 7, 2006
Area E cells 369, 370, 372, 373, 375, 375A, 376 Area E/J cells 376A, 377, 378, 378A, 379, 379A, 380, 380A, 380B Area O cells 412, 413, 417, 418, 419 Area N cells 430, 432, 434, 436, 451, 452	July 2005	February 7, 2006
Area O cells 414-416, 420-422A Area N cells 424, 426, 428 Area K cells 459-468, 471-476, 479, 480, 484-486, 492	January 2006	February 7, 2006
Area K cells 469-483, 487-491, 493, 494 Area L cells 517-519 Area M cells 536-541	December 2006	January 4, 2006
Area K cells 495-497, 505 Area L cells 520-525 Area M cells 542-544	January 2008	January 22, 2009
Area K cells 498-502, 506-510 Area L cell 526 Area L & M cell 527 Area M cells 528-531, 534, 535, 545-549 Areas M & Q cells 560, 561	June 2008	March 26, 2009
Area K cell 511 Area L cells 551-554, 563-566 Area L&M cell 562 Area M cells 532, 533	March 2010	March 19, 2010
Area K cells 503, 512-514 Area L cells 555, 556, 567 Area M cell 550	January 2011	January 21, 2011
Area K cells 504, 515 Area L cell 568	April 2011	April 15, 2011

5. The attached map (Attachment A) shows the Facility, the area permitted for construction, monitoring points, leachate storage units, site roads, other disposal areas, and related appurtenances.
6. Issuance of this license is conditioned on the accuracy of the information submitted by the Applicant in the Application for License to Operate a Solid Waste Disposal Area (Application) received by the MDEQ on November 14, 2012 (electronically), and any subsequent amendments. Any material or intentional inaccuracies found in that information is grounds for the revocation or modification of this license and may be grounds for enforcement action. The licensee shall inform the MDEQ's Office of Waste Management and Radiological Protection (OWMRP), Upper Peninsula District Supervisor, of any inaccuracies in the information in the Application upon discovery.

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7. This license is issued based on the MDEQ's review of the Application, submitted by Foster Swift Collins and Smith PC, for the Ever-Green Landfill and Recycling Center, LLC, dated November 14, 2012, received by the DEQ on November 14, 2012 and amended November 26, 2012. The Application consists of the following:

- a. Application Form EQP 5507.
- b. Application fee in the amount of \$2,500.00.
- c. Certification of construction by N/A.
- d. Waste Characterization: N/A.
- e. Restrictive Covenant:

The Smurfit-Stone Container Enterprises, Inc. restrictive covenant on 440 acres is on file at the Ontonagon County Register of Deeds recorded on November 18, 1993, as Liber 61 pages 263. A copy is on file with the MDEQ.

- f. Perpetual Care Fund Agreement, established as an escrow account, signed by Mr. Pat Tucker, Managing Member of the Ever-Green Landfill and Recycling Center, on March 19, 2013, was executed by the MDEQ on April 3, 2013.
- g. Financial Assurance.

i. Financial Assurance Required:

The amount of financial assurance required for this Facility was calculated based on the calculation worksheet form EQP 5507A entitled, "Form A, Financial Assurance Required," and is \$1,233,838.02.

The Facility has provided financial assurance totaling \$1,233,838.02, based on the requirements of Section 11523 of Part 115, consisting of a combination of the Perpetual Care Fund established under Section 11525 of Part 115, bonds, and the financial capability of the Applicant as evidenced by a financial test. The financial assurance mechanisms used by the Facility are summarized below in Items ii and iii, respectively.

ii. Financial Assurance Provided Via a Perpetual Care Fund:

- (1) The amount of the required financial assurance can be reduced pursuant to Section 11524 of Part 115, if the amount of money in the Perpetual Care Fund plus the amount of the reduced financial assurance equals the amount of financial assurance required in Section 11523 of Part 115 and is approved by the MDEQ.
- (2) The Perpetual Care Fund Agreement statement showed a balance of \$233,838.02 in the Facility's Perpetual Care Fund as of October 31, 2012. Of this amount, the MDEQ has granted the request to use \$233,838.02 toward the total amount of financial assurance required.

iii. Financial Assurance Provided Via Bond:

The following financial assurance has been received from the Applicant to meet the amount of financial assurance required:

Irrevocable Letter of Credit	\$1,000,000.00
Total Amount Received:	\$1,000,000.00

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8. The following documents approved with Construction Permit Number(s) 0157 issued to Champion International Corporation on September 16, 1985, are incorporated in this license by reference:
  - a. Engineering Plan, prepared by U.P. Engineering and Architectural Associates, Inc., dated April 1985, revised August 7, 1985, and August 27, 1985, with the last revision received by the DEQ on September 3, 1985.
  - b. Hydrogeological Study, prepared by U.P. Engineering and Architectural Associates, Inc., dated April 1985, revised August 7, 1985, and August 27, 1985, with the last revision received by the DEQ on September 3, 1985.
  - c. Environmental Assessment, prepared by U.P. Engineering and Architectural Associates, Inc., dated April 1985, revised August 7, 1985, August 27, 1985, with the last revision received by the DEQ on September 3, 1985.
  - d. Operation Plan, prepared by U.P. Engineering and Architectural Associates, Inc., dated April 1985, revised August 7, 1985, and August 27, 1985, with the last revision received by the DEQ on September 3, 1985.
  - e. Act 641, P.A. 1978 Permit Application, prepared by U.P. Engineering and Architectural Associates, Inc. for Champion International Corporation, dated April 1985, revised August 7, 1985, and August 27, 1985, received by the MDEQ on September 6, 1985, and approved by the MDEQ on November 21, 1985.
9. The following additional documents, approved since the issuance of the construction permit(s) referenced in Item 8, are incorporated in this license by reference:
  - a. Hydrogeological Monitoring Plan prepared by Lakeshore Environmental, Inc., received by the MDEQ on March 7, 2013, amended by a receipt date of March 13, 2013, and approved by the MDEQ by issuance of this license.
  - b. Closure Plan, prepared by RMT in June 1994 and approved by MDEQ on June 14, 1994.
  - c. Construction Quality Assurance Plan, prepared by TriMedia Consultants, dated June 2002.
  - d. Hydrogeological Study, prepared by Coleman Engineering Company, dated June 2002.
  - e. Revised Work Plan for Excavating and Evaluating Exploratory Trenches Along the Eastern Boundaries of K, P and T, prepared by TriMedia Consultants, dated May 10, 2004
  - f. Revised Work Plan for Installation of Shallow Monitoring Wells, prepared by TriMedia Consultants, dated May 10, 2004.
  - g. Cutoff Wall Construction and Certification of Remaining Portions of Areas K, L and M, dated November 18, 2005, as approved December 9, 2005.
  - h. Slurry Wall Construction Report and Certification of Areas P, Q, R and S, prepared by TriMedia Consultants, dated January 11, 2007, as approved January 18, 2007.
  - i. Cutoff Wall Construction Report and Certification for Remaining Portions of Areas T, U, and V, prepared by TriMedia Consultants, dated January 15, 2008, as approved January 23, 2008.
  - j. Monthly Waste Activity Report for June 2011, prepared by RockTenn, dated July 1, 2011.
10. Consent Order/Judgment Number: N/A.
11. The licensee shall repair any portion of the certified liner or leachate collection system that is found to be deficient or damaged during the term of this license unless determined otherwise by the MDEQ.
12. The licensee shall have repairs to any portion of the certified liner or leachate collection system recertified by a registered professional engineer in accordance with R 299.4921 of the Part 115 Rules and approved by the MDEQ before receiving

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waste in that portion of the certified liner or leachate collection system. The licensee shall submit the recertification to the MDEQ's OWMRP, Upper Peninsula District Office, for review and approval.

13. The licensee shall conduct hydrogeological monitoring in accordance with the approved hydrogeological monitoring plan, received March 7, 2013, amended with a March 13, 2013, receipt date. The sampling analytical results shall be submitted to the MDEQ's OWMRP, Upper Peninsula District Office, and the Cadillac District Office.
14. Modifications to the approved hydrogeological monitoring plan referenced in Item 13 may be approved, in writing, by the OWMRP, Upper Peninsula District Supervisor. Proposed revisions must be submitted in a format specified by the MDEQ.
15. Modifications to approved engineering plans that constitute an upgrading, as defined in R 299.4106a(l) of the Part 115 Rules, may be approved, in writing, by the OWMRP, Upper Peninsula District Supervisor.
16. Requests for alternate daily cover may be approved, in writing, by the OWMRP, Upper Peninsula District Supervisor.
17. Leakage Control Criteria:

This Type III Facility is a monitorable unit and, therefore, does not need to be in compliance with the leakage control criteria of R 299.4422 of the Part 115 Rules.

18. **VARIANCES:** None.

19. **SPECIAL CONDITIONS:**

- a. A detailed trench layout and capacity (volume) estimate in cubic yards shall be submitted to the DEQ for Areas P-V (Except Area Q Cells 560-561) prior to construction. The trench layout shall provide for natural drainage ways to minimize contact between storm water runoff and solid waste.
- b. The Facility is designed as a natural soil site under the provisions of R 299.4307(3)(a). In the event it is determined that portions of the site do not contain natural soil meeting these requirements, the licensee shall revise the trench layout accordingly.
- c. Based on past trench layout approvals, all trenches constructed shall be no deeper than 15 feet below ground surface, a minimum of 10 feet apart, no wider than 40 feet, no longer than 150 feet and shall be sized to minimize waste contact with storm water.
- d. A minimum of one (1) digital photograph will be taken of each trench prior to the placement of waste that will serve as an additional visual inspection of the trench floors and walls under Sections 4.2.2 and 4.2.3 of the Construction Quality Assurance Plan. Any such photographs will be made a part of the landfill's operating record.
- e. The licensee shall not conduct activities at the site that violate part 303, Wetlands Protection, of the NREPA, including draining, filling or removing soils from wetland areas.
- f. The licensee may only accept for disposal low hazard industrial waste, provided the disposal of such waste at the Facility is explicitly authorized by the approved solid waste management plan for Ontonagon County and for waste generated in another Michigan County, reciprocally authorized per the approved solid waste management plan of the exporting county. The licensee shall not accept construction and demolition waste, unless the Facility is reconstructed to meet the requirements of R 299.4307 and R 299.4308. The Facility would need a new license to accept construction and demolition waste.
- g. When depositing waste in the trenches, the licensee shall use reasonable efforts to promptly fill and cover trenches as needed to minimize water entering or accumulating in trenches by placing clay on top of and on the side of waste in partially filled trenches and by removing water from unfilled portions of the trench. Leachate that is removed from a trench shall be managed in accordance with R 299.4308(3).

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h. The remaining capacity at this Type III Facility is 588,006 cubic yards determined as follows:

1. The Design Capacity at the Facility is 2,800,000 cubic yards, as stated on Page 28 of the Permit Application, prepared by U.P. Engineering and Architectural Associates, Inc. for Champion International Corporation, dated April 1985, revised August 7, 1985 and August 27, 1985.
2. The total cubic yards disposed of at the Facility as of July 1, 2011 is 2,221,994, as stated in the Monthly Waste Activity Report for June 2011, prepared by RockTenn, dated July 1, 2011.

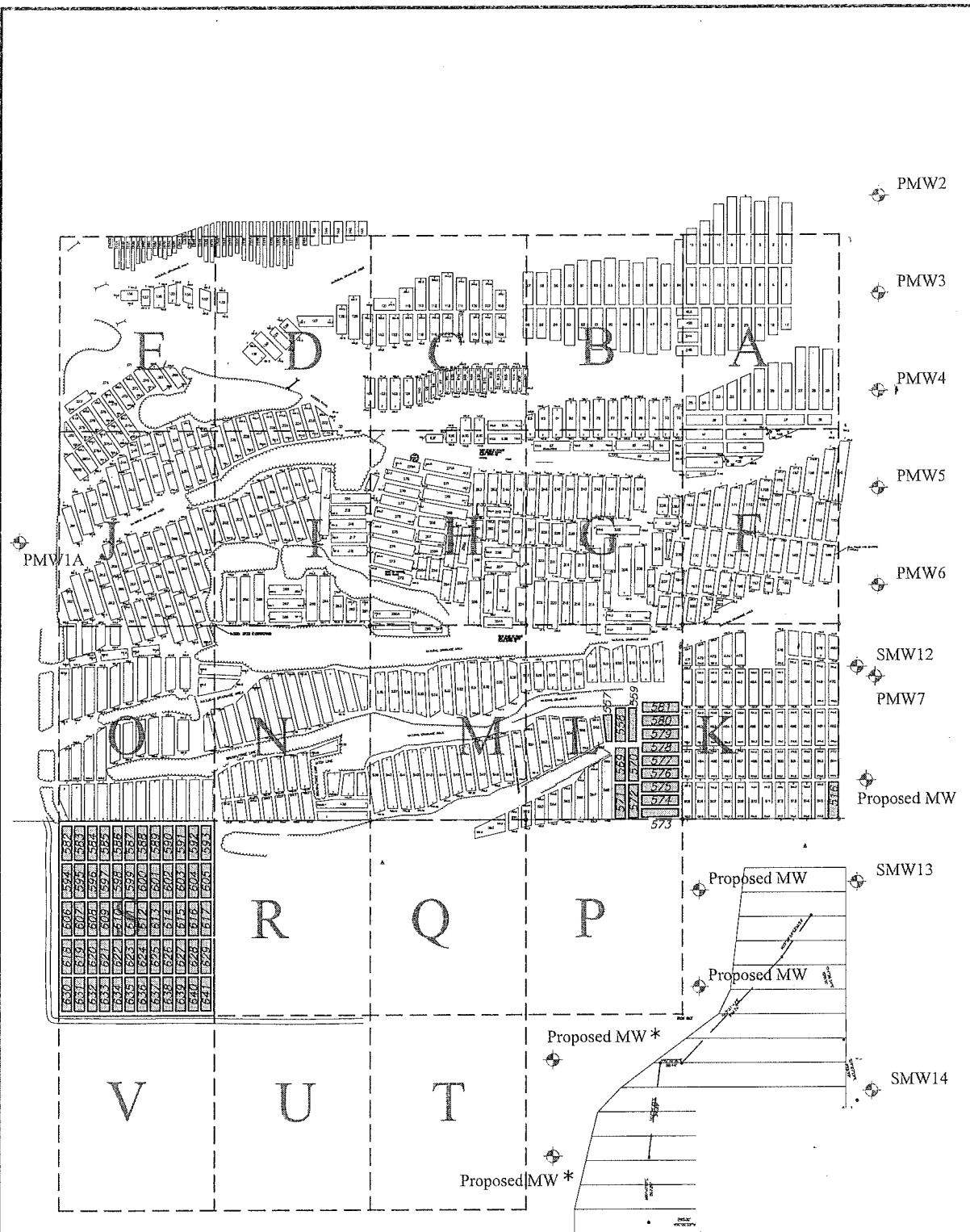
The remaining capacity at the Facility is expected to be distributed to the active portions not at final grade as follows: Area K Cell 516 = 3,333 cubic yards, Area L Cells 557-559 and 569-581 = 48,654 cubic yards and Areas P-V (Except Area Q Cells 560-561) = 536,019 cubic yards.

- i. The licensee shall install additional shallow wells and collect background data for these wells as specified in the Proposed Work Plan for Groundwater Monitoring Well Installation prepared by Lakeshore Environmental, Inc., dated January 22, 2013 and the Hydrogeological Monitoring Plan received by the MDEQ March 7, 2013, amended with a March 13, 2013, receipt date.

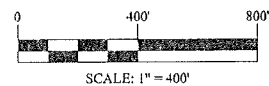
20. **TERM:** This license shall remain in effect until its expiration date, unless revoked or continued in effect, as provided by, the Administrative Procedures Act, 1969 PA 306, as amended, or unless superseded by the issuance of a subsequent license.

**END OF LICENSE**

# ATTACHMENT A



\* DEFERRED FINAL MW LOCATIONS WILL BE DETERMINED WHEN CELL CONSTRUCTION IS UNDERTAKEN.



## OPEN CELLS - 2013

EVER-GREEN LANDFILL AND RECYCLING CENTER, LLC  
SECTION 23, TOWN 51 NORTH, RANGE 39 WEST  
ONTONAGON COUNTY, MI

JOB 12-111-01 JANUARY 2013 FIGURE 2